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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,349	07/23/2003	Andrew Olcott	02103-551001 / AABOSW19	9132
26162	7590	10/17/2006	EXAMINER PHAM, TAMMY T	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ART UNIT 2629	PAPER NUMBER

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/626,349	OLCOTT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tammy Pham	2629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

Claims 1-18 and 47-55 have been withdrawn. Claims 19-46 are pending.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 28 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 28 and 32 recites the limitation “a control” or “the control,” but independent claim 19 has a first and second control, so it is not clear as to which of the two controls is being referred to in claims <sup>28</sup>~~28~~ and 32.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-24, 27-30, 38-40, 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over JAEGER et al. (US Patent No: 5,982,355) in view of WEISS et al. (US Patent No: 6,225,980 B1).

As for claim 19, JAEGER teaches of a system for accepting user input (Fig.1, 11), comprising: a first control (Fig. 24) configured to select a media source in response to an actuation of the first control (Fig. 24) by a user; a second control (Fig.1, 17), a display (Fig.6, 13) for displaying one of the media source, mode and media content item in column 11, lines 15-30 and in column 13, lines 30-40.

JAEGER fails to teach that the second control has two degrees of freedom in actuation configured to choose a mode from a set of modes for the selected media source in response to an actuation of the first degree of freedom of the second control by the user, wherein actuation of the second degree of freedom by the user of the second control is configured to identify a media content item selection.

WEISS teaches that the second control (Fig. 2) has two degrees of freedom in actuation configured to choose a mode from a set of modes for the selected media source in response to an actuation of the first degree of freedom (Fig.2, rotatable dial, 20) of the second control by the user, wherein actuation of the second degree of freedom (Fig.2, depressing dial, 20) by the user of the second control is configured to identify a media content item selection in column 7, line 48.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the second control with two degrees of freedom as taught by WEISS with the controller for accepting user input device of JAEGER in order to provide to users a user input interface that is a combination of a rotary dial and a push button in attempts to increase the speed and ease of the user's operation (WEISS: column 2, line 37).

As for **claim 20**, JAEGER teaches of a pressure member (Fig.32, 201) coupled to a plurality of switches (Fig.32, 206), the pressure member (Fig.32, 201) having multiple sections (Fig.32, 202), wherein each section of the multiple sections (Fig.32, 202) is associated with a switch of the plurality of switches (Fig.32, 201) and wherein the pressure member (Fig.32, 201) is positioned in relation to the plurality of switches (Fig.32, 201) such that when a force is applied by a user to one of the multiple sections, the pressure member (Fig.32, 201) transmits a resulting force to a switch (Fig.32, 201) associated with the one of the multiple sections (Fig.32, 202) thereby causing actuation of the switch (Fig.32, 201) associated with the one of the multiple sections (Fig.32, 202) in Fig. 32-33 and in column 18, lines 43-46. *(NOTE: That although JAEGER fails to illustrate all the various control systems in one figure; it would have been obvious to include the various buttons and controllers of JAEGER into one apparatus in order to provide a multi-purpose remote control with multi-functional buttons. JAEGER: column 2, line 35).*

As for **claim 21**, JAEGER teaches of a control comprises a shaft (177), wherein the shaft (177) is mounted within a void of the pressure member and secured by a fastener in Fig. 29 and in column 17, line 35.

As for **claim 22**, JAEGER fails to teach of the system delays, for a predetermined time, before executing one of a user media source selection, mode selection and media content item selection.

Examiner takes OFFICIAL NOTICE that it is well known in the art to have system delays, for a predetermined time, before executing one of a user media source selection, mode selection and media content item selection.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine include a system delay with the controller of JAEGER in order to wait for the system to register the user's choice and in order to better ensure that the user is satisfied with that particular selection and not in the midst of deciding.

**As for claim 23**, JAEGER teaches that upon the occurrence of one of a user media source selection, mode selection, and media content item selection, the system provides a sub-menu of options to the user in column 6, line 65.

**As for claims 24 and 28**, JAEGER teaches that a display is configured to provide a visual confirmation of the media source selected {claim 24} and user input {claim 28} in column 15, lines 45-50 and in column 6, line 65.

**As for claim 27**, JAEGER teaches that the display is a touch screen and wherein the touch screen is configured to process a user input in column 18, lines 40-45.

**As for claims 29-30** JAEGER teaches that the display is configured to provide a visual confirmation in forms of graphics and text of the media source selected in column 6, line 65 and in column 17, line 20.

As for **claim 38**, JAEGER as modified by WEISS teaches that a second control (JAEGER: Fig.32, 206) is positioned in front of the display (JAEGER: Fig.32, 202) in JAEGER: column 11, lines 15-30 and in column 13, lines 30-40, wherein the second control accepts actuation of the second degree of freedom by the user, as a user input in WEISS: column 7, line 48.

As for **claim 39**, JAEGER teaches of a system for accepting user input (Fig.32), comprising: at least one switch (206); a display (Fig.32, 202), wherein the display (Fig.32, 202) depicts menu options including: media content information; control options, wherein the control options are displayed on the display near the switch (Fig. 24); a pressure member (Fig.32, 201) disposed over the display (Fig.32, 202); the pressure member (Fig.32, 201) being configured to accept a force exerted by a user within a section of the pressure member (Fig.32, 201); the pressure member (Fig.32, 201) further coupled to the at least one switch (Fig. 24) such that a resulting force transmitted by the pressure member (Fig.32, 201) in response to a user applied force causes a switch actuation in Fig. 32 and in column 18, lines 43-46. JAEGER teaches that at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control in column 20, lines 63-65.

JAEGER fails to teach of at least one control, configured to accept one of a push and turn.

WEISS teaches of at least one control, configured to accept one of a push and turn column 7, line 48.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the second control with two degrees of freedom as taught by WEISS with the controller for accepting user input device of JAEGER in order to provide to users a user input interface that is a combination of a rotary dial and a push button in attempts to increase the speed and ease of the user's operation (WEISS: column 2, line 37).

**As for claim 40**, JAEGER teaches that at least a portion of the at least one control is optically transparent, wherein the at least one control is positioned over the display and wherein information displayed by the display is visible through the at least one control in column 20, lines 63-65.

**As for claim 44**, JAEGER fails to teach that the control has two degrees of freedom in actuation, and wherein actuation of the first degree of freedom is associated with selection of a media source, and the second degree of freedom is associated with control of system volume

WEISS teaches that the control has two degrees of freedom in actuation, and wherein actuation of the first degree of freedom (Fig.2, rotatable dial, 20) is associated with selection of a media source, and the second degree of freedom (Fig.2, depressing dial, 20) is associated with control of system volume in column 7, line 48.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the second control with two degrees of freedom as taught by WEISS with



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the controller for accepting user input device of JAEGER in order to provide to users a user input interface that is a combination of a rotary dial and a push button in attempts to increase the speed and ease of the user's operation (WEISS: column 2, line 37).

**As for claim 45**, JAEGER teaches of a system for accepting user input in a media player, comprising: a display for displaying one of the media source, mode and media content item; at least one control is disposed over the display in column 11, lines 15-30 and in column 13, lines 30-40. JAEGER teaches that at least a portion of the control is optically transparent, such that at least a portion of the display is visible through the at least one control in column 20, lines 63-65.

JAEGER fails to teach of least one control has two degrees of freedom.

WEISS teaches at least one control has two degrees of freedom in column 7, line 48.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the second control with two degrees of freedom as taught by WEISS with the controller for accepting user input device of JAEGER in order to provide to users a user input interface that is a combination of a rotary dial and a push button in attempts to increase the speed and ease of the user's operation (WEISS: column 2, line 37-40).

**As for claim 46**, JAEGER teaches of a media player comprising: a plurality of switches; a display for displaying one of the media source, mode and media content item; a pressure member coupled to at least one of the plurality of switches, the pressure member disposed over the display, the pressure member being configured to accept a force exerted by a user within a section of the pressure member; and two controls, wherein each of the two controls is located to

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one side of the display in column 11, lines 15-30 and in column 13, lines 30-40. JAEGER teaches that at least a portion of the display is visible through the pressure member in column 20, lines 63-65.

JAEGER fails to teach the controls have two degrees of freedom in actuation and that the media player is used for a motor vehicle.

WEISS teaches at least one control has two degrees of freedom in column 7, line 48.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the second control with two degrees of freedom as taught by WEISS with the controller for accepting user input device of JAEGER in order to provide to users a user input interface that is a combination of a rotary dial and a push button in attempts to increase the speed and ease of the user's operation (WEISS: column 2, line 37-40).

Although both JAEGER and WEISS lacks the explicit teachings that their apparatus is able to be utilized in a motor vehicle, the body of the claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose of intended use of the invention rather than any district definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to the claim construction.

Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over JAEGER et al. (US Patent No: 5,982,355) in view of WEISS et al. (US Patent No: 6,225,980 B1) and HOLZ AUF DER HEIDE et al. (US Application No: 2004/0203411)

As for claims 36-37, JAEGER and WEISS fails to teach that the system is configured to provide an audible confirmation of the media source selected and that the audible confirmation of the media source selected is a synthetic voice.

HOLZ AUF DER HEIDE teaches that the system is configured to provide an audible confirmation of the media source selected and that the audible confirmation of the media source selected is a synthetic voice in section [0028].

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the use of storing synthetic voice for playback as taught by HOLZ AUF DER HEIDE with the controllers of JAEGER and WEISS in order to provide an audible method to notify the users of their selection.

Claims 25-26, 31-35, 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over JAEGER et al. (US Patent No: 5,982,355) in view of WEISS et al. (US Patent No: 6,225,980 B1) and CAPPS et al. (US Patent No: 6,803,905 B1).

As for claims 25, 31, 35, 41-42, JAEGER teaches that the display is configured to provide a visual confirmation of the media source selected in column 6, line 65 and in column 17, line 20.

JAEGER and WEISS fails to teach that the display displays a color cue based upon the media source selected {claim 25}; that the visual confirmation is a color change {claims 31, 32}; where the display or at least one control displays a color to provide user feedback {claims 41-42}.

CAPPS teaches that the display displays a color cue based upon the media source selected {claim 25}; that the visual confirmation is a color change {claims 31, 32}; where the display or at least one control displays a color to provide user feedback {claims 41-42} in column 4, line 44.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine to include a color change confirmation as taught by CAPPS with the control system as taught by JAEGER and WEISS in order to improve visual feedback to an operator (see CAPPS: column 1, line 10).

**As for claim 26**, JAEGER teaches that the display provides a position indicator depicting to the user, the relative position of a selected media content item within a browsable list of media content items, wherein the position indicator is displayed in a radial format in column 17, lines 15-20.

**As for claim 32**, JAEGER teaches that at least a portion of the control is optically transparent, wherein the control is positioned over the display and wherein information displayed by the display is visible through the control in column 20, lines 63-65.

**As for claims 29-30** JAEGER teaches that the display is configured to provide a visual confirmation in forms of graphics and text of the media source selected in column 6, line 65 and in column 17, line 20.

As for claim 43, JAEGER teaches that at least one control displays a symbolic representation of a selected one of the media content source, mode and media content item in Fig. 32-33.

### *Response to Arguments*

Applicant's arguments with respect to claims 19-46 have been considered but are moot in view of the new ground(s) of rejection.

In regards to the applicant's argument on page 13 that "the reference does not disclose the second control having two degrees of freedom," in particular that there is no teaching that the second control is able to be pressed and rotating; please refer to WEISS in column 7, line 48.

### *Conclusion*

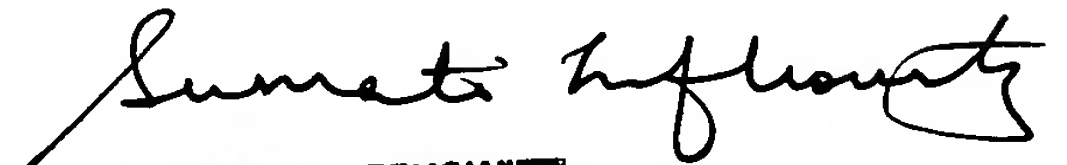
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy Pham whose telephone number is (571) 272-7773. The examiner can normally be reached on 8:00-5:30 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tammy Pham  
October 13, 2006



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